



## MONTANA DEPARTMENT OF ADMINISTRATION

*"the backbone of state government"*

### Director's Office

Steve Bullock, Governor • Sheila Hogan, Director

### MEMORANDUM OF UNDERSTANDING

This Memorandum Of Understanding (MOU) is established to meet the staffing needs within the Executive Branch of Montana State Government through a formal Apprentice Program for non-traditional occupations. Management and Labor realize the State is experiencing a skill gap in many occupations as well as an aging workforce that is retirement eligible coupled with a lack of qualified workers to fill these future vacancies. Management and Labor agree to establish this Apprentice Program in order to help meet these staffing and skill shortages.

Management and Labor agree to establish non-traditional apprenticeship program(s) for various apprenticeable occupations within the Executive Branch. Some examples of apprenticeable occupations include Computer Programmer, Accounting Technician, Correction Officer, Counselor, Architectural Drafter, Fish & Game Warden, Laboratory Technician, Legal Secretary, and LPN. The length and the requirements of the apprentice training will be determined by management and in compliance with state and federal requirements.

An enterprise wide Apprentice Board will be established to oversee the apprentice program. This Board will develop bylaws and will consist of a total of nine (9) members. Four members will be management representatives; two of whom are from the Labor Relations office at the Department of Administration and two appointed by the Director of the Department of Administration (serving two year staggered terms). Four (4) members will be Union representatives; one from MPEA, one from AFSCME, one from MEA-MFT, and one member will be a labor member agreed upon by the three unions. The ninth member will be a representative from the Apprentice Bureau at the Department of Labor and Industry.

The purpose of the Apprentice Board is to review individual apprentice agreements, assure compliance with state and federal regulations, assist agencies with developing a new apprentice occupation, serve as a resource to executive branch agencies, and act as a review board should issues arise concerning individual apprenticeships. The Apprentice Board shall create procedural rules and an appeals procedure. The Board shall meet on a regular basis, but no less than quarterly.

When an agency desires to set up a new apprentice program for an occupation, the agency and the representing union must agree to the terms and conditions of the apprentice program within that agency. If and when an agency (and representing union if applicable) agree to an apprentice

program, they shall make a recommendation to the Apprentice Board. Final approval of this agreement rests with the Apprentice Board. Apprenticeships may not be established without board approval.

Once a position has been designated for an apprenticeship program, management will meet with the union to outline the criteria as per MCA 39-6-106.

A written agreement containing all terms and conditions for the qualifications, employment conditions, training requirements, hours, and pay will be outlined in the apprenticeship agreement and agreed to by management and the union and signed by the employee.

The starting wage for an apprentice shall be at minimum, 80% of the hiring agency's lowest wage range for the occupation. The starting wage for an apprentice may be increased from the minimum of 80% if the apprentice has previous training and experience in the occupation. At the completion of an apprentice program, the apprentice will be paid through the hiring agency's regular pay plan rules.

Management will pay the cost of all education, including any required materials, as part of the apprentice program.

Pay, pay progression, hours, and other conditions related to the apprentice program, not specified in this agreement, shall be negotiated between the agency and the union and approved by the board.

The Union agrees management may terminate an apprentice if the apprentice fails to meet the requirements of the program. This includes but is not limited to failure to attend required classes or training, failure to maintain a passing grade (C or equivalent), failure to report to work without notice or extenuating circumstances, and/or failure to participate in on the job training. The termination of an apprentice for failure to meet the requirements of the program is not subject to the grievance procedure. However, the apprentice shall have the ability to appeal such decisions to the Apprentice Board for review. The Apprentice Board has the authority to overturn an agency's termination decision by a majority vote.

Apprentice ratios will be set at a maximum of 20% of permanent staff unless an exception is approved by majority vote of the Apprentice Board.

Dated this 2nd day of ~~June~~ <sup>SEPTEMBER</sup> 2015

Sheila Hogan, Director

Eric Feaver, President MEA-MFT

Michael P. Manion  
Michael P. Manion, Chief Labor Negotiator

Quint Nyman, Director MPEA

Tim Twardoski, Director AFSCME